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Impartial Considerations
on a Bill Now Depending in Par-
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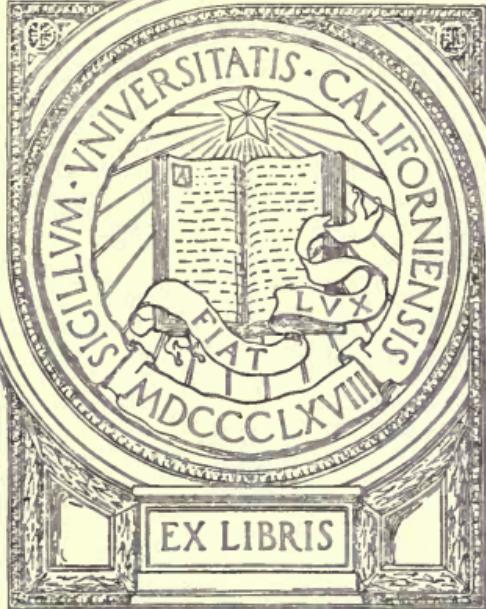
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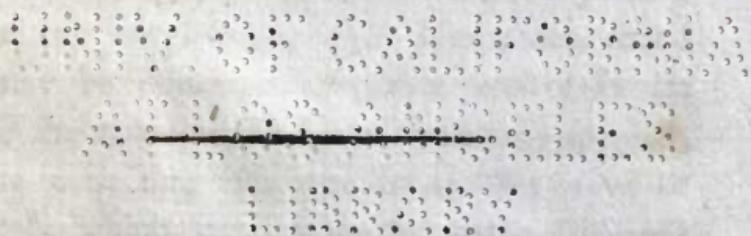
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IMPARTIAL
CONSIDERATIONS
ON A
BILL
NOW DEPENDING IN
PARLIAMENT,

For establishing certain Regulations for the better
Management of the Territories, Revenues, and
Commerce of this Kingdom in the East-Indies.

TO WHICH ARE ADDED,

Some REMARKS on the proposed Surrender of
the Company's Charter.



L O N D O N:

Printed for J. DEBRETT, (Successor to Mr. ALMON)
opposite Burlington-House, Piccadilly; and may be had
of J. SEWELL, in Cornhill. 1783.

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IMPARTIAL CONSIDERATIONS, &c. &c.

I Am not ambitious of having it said, that the observations in this performance are novel and original. I seek for truth; in whatever argument it seems to present itself to my view, that argument will I gladly adopt: and I console myself for the poverty of my imagination, when I consider, that I may be doing an acceptable piece of service to the cause which I conscientiously support, by collecting into one focus, the rays of light which flow from so many different quarters.

The various interests and prejudices of persons who have made this Bill an object of

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their discussion, have led them from reflections on the measure, to reflection on those who have proposed it.—Not only political, but private characters have been involved in the dispute; and such a mass of extraneous matter has been heaped on the subject, that we cannot much wonder at its soon becoming impervious to the view of those who at first have professed to discuss it.

Leaving such persons to pursue what their own motives may direct them to aim at, let us take a review of the several objects of the Bill in question: and considering it as abstracted from a connection with any certain description of men, let us see how far those objects are fitting and proper to be accomplished; and how far the Bill itself is calculated to produce their accomplishment.

It seems to be universally acknowledged, that such abuses have existed in the administration of the East India Company's affairs, as call loudly for the interference of the Legislature; but however universally this is acknowledged, yet so self-contradictory are the persons who oppose the Bill, that they object to it, because it is not founded on facts stated by the House of Commons.

What

What are the Reports of the Secret and Select Committees, but a collection of facts authenticated from the Company's Records, and brought in pursuant to the directions of that House, for the purpose of enabling the Members to form a judgment on matters which the House at large could not so conveniently investigate ?

Much is not hazarded in asserting, that the facts there stated are such, that every man who reads the Reports, will agree with me in the absolute necessity of a reformation, if India is to be saved to this country.

I know many well-meaning men who approve of the regulations contained in the Bill ; but nevertheless oppose it on the popular ground of the infringement of Chartered Rights. If any other mode could be found to save the Company, the man who did not adopt that mode, would be indeed a bad member of society. But in a desperate case no remedy is to be rejected ; and surely, a sick man would rather owe his life to a medicine out of the regular course of physical practice, than die *secundem artem*, with the melancholy comfort of knowing that his physician has a diploma.

So far from being surprised at the clamour which the magic words, " Invasion of Chartered Rights," have raised against the Bill ; I view with pride and pleasure, the effusions of a zeal which was to be expected from the independant spirit of my countrymen. Unpopular as the India Company have been, the moment the alarm was given, that they were to become the victims of unconstitutional power, that moment their faults were forgotten in their supposed misfortunes, and they met with advocates where they had to expect enemies.

Their cause was supported every where by respectable, though uninformed men, who in the true spirit of our constitution, presumed their innocence, because they had not ocular proof of their delinquency. But persons of another description, who were interested in opposing the salutary reform of Parliament, reflected, that when the first popular alarm should have subsided, and when close investigation should have succeeded to clamour and invective, the same spirit of impartiality which had acquired new friends to the Company, would detach those friends from the party they had espoused. They chose an obvious method of effecting their purpose, by involving

involving in obscurity a cause which would not bear the light. The Company's delinquency was industriously buried in oblivion, whilst the invasion of their Chartered Rights was thundered in every ear. The Company's cause was represented as the cause of the constitution : the Minister was said to aim a wound at its dearest privileges through the Company ; many of Mr. Hastings's friends were induced to join with them, notwithstanding the Right Honourable Secretary's explicit disavowal of personal allusions ; and they even found means to bring in the Bank of England as a party in the quarrel. Paradoxes were easily solved ; and a parallel was run between Sovereigns and Bankers. Nor did they stop here ; inflammatory libels were circulated, such as moderate and respectable men of their own party blushed to view. Like naval commanders, who in distress for seamen, receive convicts on board, these men enlisted the very outcasts of literature into their pay.

Though the ground taken by the opponents to this Bill, is principally on the idea of the measures proposed in it being unconstitutional, I think the legality of it will more easily

easily be resolved into its expediency, than may at the first glance appear.

I have heard much of the protest of those Peers, who in the year 1773, opposed what they deemed to be a violation of the Company's chartered rights. But on what grounds did they oppose that violation? Because they had not evidence before them (though that evidence might exist elsewhere) sufficient to prove such delinquency in the Company, as might justify the resumption of the rights granted to them under their charter.

Their protest more than implies, what will hardly be denied to me, that cases might possibly occur, wherein that resumption not only would be justifiable, but wise and proper. We must never lose sight of the connection subsisting between the Nation and the Company, and that when the mismanagement of a corporate body endangers the interests of the state, and even the existence of the power and authority of Great Britain in a part of her dominions, such a violation of the good faith, mutually pledged between them, fully exonerates the parent state, in revoking so much of its indulgences to the disobedient child, as may be thought necessary.

Would

Would any one, who saw a lunatic committing outrages, from which he had every thing to fear for his own personal safety—Would he immediately disarm the madman by force? Or, would he run the risque of his own life, whilst he is considering the legality of using violence to restrain the actions of a British subject?

Surely no one will be so chimerical as to assert, that men are justified in pleading a charter for the commission of actions which the legislature deem baneful to the state. This would be indeed erecting an *imperium in imperio*, subversive of every principle of good government, as well as common sense: and an acquiescence on the part of Government upon such an occasion, would be as weak as wicked: It would be nothing less than making themselves necessary to their own ruin and to the ruin of the country.

The liberty of committing criminal actions with impunity would thus be put up to sale; and Charters, like the Pope's indulgences, would be purchased for the remission of sins past, present, and future.

If Chartered Rights are to desolate the finest countries of the globe; if under their sanction,

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a native Prince is to be driven from the Paradise where Heaven had placed him, to be a wretched wanderer throughout Hindostan ; if those miserable pageants of authority, who are called the Sovereigns of India, are by virtue of Chartered Rights, forced, with the dagger at their breasts, to plunder and violate the sacred rights of their own parents, and to perpetrate outrages shocking to the laws and religion of their country ; if natives of high rank, at the moment when they become the detectors of peculation, are seized by the hand of power, and are made to suffer an ignominious death for actions declared to be capital crimes, only by laws framed in a foreign country, and promulgated in India many years after those actions were committed ; if all this, and much more, be perpetrated under the shelter of Chartered Rights ; and if thus, they become the stalking horse of despotism and inhumanity in their most horrible forms ; if they are opposed to the rights of nations and to the rights of mankind—away with such Chartered Rights ! Let us not glory in our shame, nor dare to boast the exclusive privilege of destruction. Such persons as suppose this to be mere declamation, may refer to the reports of the Committee

mittee of the House of Commons, grounded on the records of the Company. Those reports exhibit the Eastern World in a map of misery, where the boundaries of ruin are marked by European footsteps.

If I might for a moment, in imitation of the opponents of this bill, digress into a reflection on the conduct of individuals, let me ask, what were the opinions of Chartered Rights entertained by the present great and able leader of opposition, when he would have deprived the rotten boroughs of their Chartered Rights in order to *reform*, and of course to *alter* the constitution of this country, sanctified by *Magna Charta*.—But I do not wish to recriminate: I do not attempt to look into the hearts of men, and delineate their motives. I see a bill of reform for India brought into Parliament. Without adverting either to the persons who bring it forward, or to those who endeavour to crush it, I repeat, that I mean to examine the bill on its own merits or demerits, and upon those grounds to form my opinion. Whenever I may happen to deviate from this plan, I acknowledge that deviation to be one of the faults (many perhaps

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they be) with which this little tract may be justly charged.

It is absurd to say, that the Company's right to the disposal of their own property is unlimited. It can only be allowed to them, so far as it does not affect the welfare of the state. No man has a right to set fire to his own house; because, though it be absolutely and entirely his own, the property of others may be endangered by such a proceeding.

Those persons who have attended General Courts at the India House, must be convinced how improper it is, to trust the management of a considerable branch of the British Empire in the hands of the Proprietors. If they have voted at elections, they must have heard of the House interest, and the Shipping interest: they will be apt to exclaim with Shylock, " there be land rats and water rats." They must also have heard of the Indian interest, and of a denomination of men, who call themselves the independant Proprietors. But, like the Cameleon, this body of men vary their appearance so often, that whilst you are considering their description, they change colour under your eye.— The independent Proprietary is a Proteus

never

never to be fixed: an *ignis fatuus*, which has bewildered many a well meaning man; and led many a wou'd-be Director into a bog.— Like the revolution of atoms, which compose the human frame, this body changes its component parts at certain periods; so that in the course of a given term, the independant Proprietary will be found to have changed **all** its members. They will be found, perhaps, partly ingrafted into the House, the Shipping, or the Ministerial interest: and fresh detachments from those several corps, just as pique and disappointment dictate, will be ready to supply the place of the leaders under the banners of independance.

It is however to be observed, in favour of the Proprietary, that every individual member thus making the circuit of interests, like a planet moving round his orbit, has the satisfaction of reflecting, that at some period of his life he has been *an independent Proprietor*.

If however some criterion be wanting to judge of independant Proprietors *for the time being*, it will be generally found, that they are inimical to the prevailing party; and that at the India House, as well as in some other

places, opposition and independence are considered as synonymous terms.

The Indian interest must not be forgotten: it is a torrent which receives fresh supplies every moment in its course; and which at a very late period, has increased so much in strength, as nearly towhelm the Company in irrecoverable ruin. The connections subsisting between servants abroad, and Proprietors at home, may produce consequences the more to be dreaded, as those consequences arise from principles which can hardly be censured. They arise from gratitude: a principle, with which, when the best men are actuated, they may with the best intentions, unwittingly become the tools of factious and designing individuals.

Where a reciprocity of gratitude exists between the servant and the master; and where opportunities continually occur to each, in which the warmest feelings of friendship may be indulged, surely it is neither illiberal nor unfair to suspect, that a mutual return of good offices may be attended to, rather than the interests of a community to which no gratitude is due, and to which the ties of interest bind but in a very small proportion,

proportion, when opposed to the advantages to be derived from the patronage of a powerful individual.

It is an observation as true as it must be acknowledged to be trite, that every virtue has its kindred failing. To mark exactly the boundaries, where the tints of warm friendship and blind partiality are blended with each other, requires a power of discrimination, which perhaps it is almost in vain to expect from human nature. Whilst the heart throbs with gratitude, how can it acknowledge a fault in its benefactor!—Nor indeed is such a state of apathy to be envied. He who possesses it, can only expect to find the same kind of negative happiness, that old age may be supposed to experience, in reflecting that debility exempts it from the dangerous excesses of youth.

Though last not least, we have met with another body of Proprietors denominated the Ministerial party. Of late indeed, this party seems to have melted away. And here an obvious question presents itself to the consideration of such persons as complain so loudly of the present Administration, for grasping at power. Why did not Administration avail itself

itself of this ready mode of exercising corrupt influence ? If the Company was to be destroyed, why not by the sure, though flower means of poison, rather than by an open attack ? The fatal draught might have been prepared by an invisible hand ; and instead of being traduced as a murderer, Administration might have easily contrived to make the Company commit a suicide.

But we have a bold and able Minister, who scorns to employ unworthy means, even towards a great end. Nor should he be so unjust to himself, as to tarnish by the cowardly arts of secret influence, a plan of reform, which will deck the monument of his fame with its brightest trophies.

When the well-intentioned and the *real* Proprietor, views his property floating amidst the confusion of interests which I have described ; when he considers that his rights are alike endangered by the baneful influence of Ministerial corruption on the one hand, and by a blind and factious opposition to Government on the other, just as parties prevail ; when he sees measures pursued by an interested Majority, which, though he detests, he is supposed to acquiesce in, and finds himself involved

involved in the common obloquy thrown upon the Proprietors by the public at large ; surely he will rejoice in a change of system, that may free him from unmerited reproach, and take from these men the power of self-destruction ! He sees himself involuntarily made a party in the quarrel between Government and the Company. His Counsel is pleading at the bar of the House, in behalf of rights which he wishes to yield ; and like the soldier, who, when taken prisoner by the enemy, is dragged to combat against his friends, he trembles lest he should conquer.

The Company is to all intents and purposes a bankrupt ; and this may be assumed, without going into the minutiae of their accounts to support the assertion. Whether they may be eventually solvent or insolvent, the fact is still the same. They are unable to make their payments ; they apply to Parliament for relief, which they state to be absolutely necessary to enable them to continue their trade ; and thus, their own petition is a public acknowledgment of bankruptcy.

How far a Company thus circumstanced, may be considered to have lost the privileges of a Charter by their bankruptcy, is a question I will

will not pretend to determine.—Neither were I sure of the question being decided in the affirmative, would I rest my arguments for the interference of Government upon it.

No more will I insist on the Company's declaration of an anticipated dividend in 1781, in direct violation of an Act of Parliament, which had positively restricted them from dividing any other than their actual profits; in which measure many respectable individuals, both Directors and Proprietors, were misled so far as to acquiesce.

Were I to advert to the Act of 1773 continued and invigorated by the Act of 1781, it would appear, that this maiden charter, for the preservation of whose purity such doughty knights errant contend, did not then escape undefiled, from the unhallowed touch of Government. What is the nomination of the Governor General and Council by the Crown; the extension of the voting qualifications; the limitation of the dividend, and the submission of dispatches to the approval of his Majesty's Ministers, but an abolition of your chartered rights?

But I waive any further dilation on these subjects, however weighty the arguments arising from them; and I meet the opponents of

of the present bill on the broad ground of its necessity.

And here I must digress so far, as to ask my antagonists a single question.—What kind of a reform (for they all acknowledge reform to be necessary) what kind of a reform would they adopt, which should not infringe their charter?—In however small a degree they diminish the power, either of the Directors or Proprietors, it is still an alteration of the rights vested in those persons by charter, and consequently an absolute infringement.

Would they vest more power in the Proprietors? Let them advert to their late controul exercised by the General Court over the persons whom they had selected to direct their affairs; when they obliged them to rescind their resolution for the dismission of Mr. Hastings; and thus set up the authority of a Governor General against that of their own Court of Directors, whose orders by Charter and by Act of Parliament he was bound to obey.

Should the power of the Court of Directors be increased? To what good purpose would increase of power tend, where inattention to the existence of abuses has been found to exist. The Governor General's friends

very justly ascribe to the Court of Directors, great blame for passing over in silence his repeated demands on Rajah Cheyt Sing for money from 1778 to 1781; when at length the assassination at Benares, roused the Court from their slumber; and they were obliged to confess, that measures which for near four years they had authorised by their silence, were unwarrantable and unjust. But if power should be withheld from the supine, much more should it be denied to those by whom it is exercised improperly. Where the Court's orders are positive, they are so often inconsistent, that even the customary paragraph in their Letters, " We shall give you our sentiments fully by the next dispatch," is preferable to commands so contradictory, that contempt instead of obedience could be the only fruits to be expected from them in India.

And this furnishes another argument for not augmenting the power of the Court of Directors. Whilst they are elective by the General Court, how is consistency to be expected in the resolutions of a fluctuating body, every individual member of which, is dependant for his political existence on the Proprietors?

The only remaining temporizing expedient that I have heard suggested, is to annihilate the controul of the Proprietary over the Directors, and to place that *controul* more fully than it is at present in the hands of his Majesty's Ministers. But what has been the effect of that controul which the act of 1773, afforded to Administration? The cry of abuses in the East which has been so faintly heard in the Court-Room at the India House, has died away ere it could reach St. James's; and Parliament might till this moment have remained in the dark with respect to those transactions, had it not been for the laborious investigations of Committees appointed by themselves for that purpose.

But allowing that Ministers should prove watchful over our affairs in India; do the supporters of this system of reform (if it can be called a reform) consider the danger of trusting such controul in the hands of various successive administrations, composed of men differing in politics, opinions and interests? Whilst they own the pernicious effects of fluctuating interests in the City, will they commit the Company's welfare to the same change of guardians at the other end of the

town? Do they consider the danger of increasing the power of the Crown (which they so much dread), by placing such controul in the hands of the immediate servants of the Crown? Do they consider the bad policy of merely *abridging* the authority of the Proprietors, whilst those persons still retain the power, and of course the will, to thwart the measures of government? And lastly (I must repeat it) do they consider, that whatever alternative they adopt, the Company's Charter must still be infringed?

Cannot fatal experience teach us the folly of trusting to temporizing expedients? The lenient hand of government, when it framed the regulating act, only lopt off the branches of corruption, when it should have laid the axe to the root. That act certainly was [an attempt at reformation, which however fair its prospect seemed to be in speculation, experience has proved to be very far short of the end it proposed to reach.

Perhaps the circumstances of the times rendered the measures of that day, *all* that could be attempted. Abuses were not then so notorious, as the succeeding ten years have rendered them. The Reports of the Committees

on India Affairs, which an independant Member of the House, in opposition to this Bill, has allowed to contain "great and valuable information," were not then printed. The regulation of India was a ground new to the footsteps of Parliament. It behoved them to tread warily ; and not to venture too far on conjecture : and great credit is due to them for attempting at least to effect a part, where the whole was not to be accomplished.

But I must own fairly, that there appears to me to be a radical defect in the Act of 1773. It is, that responsibility and power are not placed in the same hands.

Indeed to say the truth, it is difficult to discover where responsibility is placed by that Act ; but we meet with the power of abuse every where. First, it remained with the Governor General and Council of Bengal ; who, though they were to be obedient to the orders * of the Court of Directors were so far

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* In order to shew the light in which the commands of the Court of Directors are viewed by their servants abroad, one instance, selected from a great number may suffice. Mr. Hastings in a minute entered on the Bengal secret consultations of 23d November, 1779, say

independant of them, as to be removeable only with the concurrence of the Crown. Secondly, With the Court of Directors, whose inattention to that part of their duty which relates to the investigation of abuses in India, is not punishable by any clause in that A&t. Thirdly, it remained with the Court of Proprietors, who are left free to counteract the good intentions of the Court of Directors, when the latter are in the exercise of their duty ; and Fourthly, there was an opening left for his Majesty's Ministers and the Court of Directors by a collusion, to suppress the most material advices. But though corruption had been driven from all these strong holds ; there yet remained an impenetrable retreat for her in the pernicious custom of voting by ballot ; and which had escaped the attention of the framers of that A&t.

I cannot avoid dwelling on the abuses which have crept into the administration of the Company's

says, " with all the respect and submission which I owe
 " and feel for the authority of the Court of Directors,
 " I must declare, that I shall not yield even to that au-
 " thority in any instance, in which it shall require my
 " concession of the rights which I hold under an A&t of
 " parliament."

pany's affairs in England, or which, perhaps, are rather defects, naturally arising from their present constitution; because I am firmly of opinion, that a thorough reform at home is absolutely and indispensably necessary to produce a reform abroad. Pure streams cannot be expected to flow from a contaminated source; and with the imperfections thus existing in the Company's vital part, no regulation can possibly be lasting or effectual in India.

These several defects are all remedied by the bill now under consideration. It gives all that is wanted: it gives energy to the exertions of Government: it makes the ostensible and the real managers of the Company's affairs the same; and it renders an invaluable service to the country, by destroying that secret influence which has so long been the bane of the East India Company. A sett of men are chosen, in whom is vested all the authority formerly exercised by the Directors and Proprietors. They are debarred from sheltering their mismanagement under the obscurity of a ballot; and are brought forward into open day, as answerable for their actions, to the tribunal of the public. The power of removing any of the Company's servants

servants is wisely placed in their hands. To them those servants are to look, as their only masters, and their judges; and when they raise the sword of justice against a delinquent, the interposing hand of the Proprietary can no longer be found, to avert the impending blow.

I am aware that I shall perhaps be asked, whether the appointment of seven Directors will abolish secret influence; and whether connections between those persons and Administration, as well as with individuals in India, are not likely to exist? I shall perhaps also be asked, whether these seven Directors are to be exempted from the prejudices, and from the connections, which I have attributed to the present Courts of Directors and Proprietors? And perhaps my catechists may pride themselves much in their ingenuity, whilst they fancy they turn my own arguments upon myself.

I reply, that the whole of their questions include no more than the simple proposition, that the seven Directors are men; and consequently liable to the frailties of human nature.

Having of course granted an affirmative to this proposition, let me protest against the inferences that may be attempted to be drawn from

from it. To suppose that admission to a public trust at once infects the person so admitted, with a degree of corruption, which ought in fact to be his disqualification, is a consideration too humiliating to human nature, to be, I hope, readily allowed. Without adverting to an obvious reflection, not much to the advantage of those who form such suppositions, we must either presume public virtue to be a mere name; or that if it exist at all, it is of too delicate a texture to bear the weight and pressure of an office to which power and patronage are annexed.

If either of these alternatives were admitted, it would be in vain to argue any longer on reformation: all systems must be the same; and every change of measures would be merely diversifying the garb of iniquity.

Absurd as it may seem thus to obviate objections, of which a candid mind would scarcely credit the existence; yet how far short of them will be found the conclusions to be drawn from the wild arguments of those men who are accustomed to cast a general odium on all Ministers; and to consider every man wicked and corrupt, who has the power of being so?

And yet however far this misanthropy may be carried, it will ever be found, that the severest censors of human nature, will at least name themselves as exceptions to their own general rule.

Freely resigning to others the malignant satisfaction of contemplating the deformities of human nature, I am content to believe mankind as honest as experience and observation will allow me to suppose them.—Small as my share of experience may be, it has however taught me, that dependence is the greatest foe to honesty. The man who in a dependant state might have virtue enough to rise superior to the common temptations incident to his situation, may still be unable to stem the torrent of corruption, if it rush upon him from those upon whom he is dependant. He must either be wrecked, or swim with the stream.

To guard against this evil, the Bill places every Director so high, that corruption cannot reach him, except he extend his hand to raise it. He is not obliged to barter appointments for votes in April; he is not dependant on a Governor General, whose overgrown authority has placed Directors in their seats,

seats, and at whose frown his chair may tremble under him. He may possibly be corrupt ; but his being so, must arise from natural depravity.

The influence which Ministers may have over the Directors, must be merely accidental ; and arising from personal friendships, as likely to subsist in any other system as in this : but the ties of friendship between a Minister and a Director, on the present plan, will be found to act very differently from those which may have existed between Proprietors and Directors on the old constitution of the Company. The present Bill renders the Directors as independant of the Minister, as the Judges are of the Crown. That Director must be a shallow politician indeed, who should risque every consequence of the high responsibility vested in him, to become the tool of a man, who by a change of Administration, would not only lose the power of protecting him ; but whose former connections with him would mark the delinquent, as one of the first victims of the successful party. From his Sovereign alone he is to expect either protection or punishment, according to his merits or demerits ; and he will be taught to seek his safety in justice and independance.

So far the powers given to the Directors are to be justified on general grounds; and so far the House of Commons thought them justifiable, when they were approved by a majority of 111, before a single name was mentioned for the exercise of those powers. The Minister in that spirit of courage and independance which has marked his conduct throughout the whole progress of the Bill, scorned to dress it with the embellishments of any names, however great and respectable; but left it unadorned, to command admiration by its natural symmetry.

The moment the names of the noble Earl and of his respectable coadjutors were brought forward, a shield was formed for the Bill, had it been ever so vulnerable before. It is well known, that the leaders of the anti-ministerial party vied with each other, in paying that tribute to desert, which common candour could not refuse.

Having thus endeavoured to rescue the leading features of the Bill from the degree of obloquy thrown on it; before I quit my pen; I must beg leave to point out some other parts of the Bill to the observation of my readers; and perhaps at the same time briefly recapitulate what I have said before.

I cannot too often repeat my tribute of admiration to the framers of this Bill, for the mortal wound it carries to secret influence.— The independant situation wherein it places the Directors; the prohibition to them and to the Proprietors, from voting by ballot or in any other covert manner; the strict injunction to the Directors to enter their reasons of * dissent, in cases where their opinions differ; as well as the prohibition to the Directors and Assistant Directors from holding any place under the Crown, or any other under the Company; and from being in any way concerned in the Company's Shipping or Commerce, are regulations so

* It may not be amiss to remark on the exception made in the Bill, by which, in the election to Offices of persons not having before been in the Company's service, the Directors are excused from entering the reasons for the vote they may give. In the appointment to offices of persons who *have been* before in the service, differences of opinion as to their merits may naturally be referred to facts stated on the Company's records: but when it is considered, that the two grand objections most likely to arise to a stranger, are blemishes in his character and defects in his abilities, it will surely be allowed, that besides the numerous bad consequences which might arise from recording opinions, containing marked personal allusions, it would be a task too ungrateful for a man of feeling to submit to.

so evidently founded in wisdom and sound policy, that it would be an insult to any man's understanding, to explain their utility.

In order to prevent improper persons becoming Directors or Assistant Directors, the Bill enacts, That no person charged with "peculation or oppression in India," within two years before his nomination, shall be eligible for either office, till the Directors shall have exculpated him, and recorded the reasons for their opinion: and in order to give time for the production and examination of such charge, the person accused must have resided in Great Britain two years from his return from India, previous to his election.

For preventing any collusion between the Directors and the Company's servants, it is enacted, That, " whenever any charge of corruption, peculation, oppression, extortion, receipt of presents, usury, breach of orders, or other grievous offence" made in India, shall be transmitted home; the Directors shall within twenty days, after receipt thereof, examine into such charge: and if they " shall not think proper either to recall or order a prosecution against the person so charged," each Director's reasons for the same must be recorded.

And

And no persons thus charged, are to be permitted to return to India, till the same shall have been investigated, and the reasons for permitting their return shall have been recorded.

So attentive is the bill to retrieve the character of the national faith in India ; that a clause is inserted, strictly enjoining the Directors to redress any breach of treaty or injury done to any native Prince.

Struck with the glaring misconduct of former Courts of Directors, in sacrificing the Company's interests by delay, in giving directions on material points, the authors of the bill have obliged the Directors, within three months after their receiving advice of any disputes between the principal servants abroad, to decide thereon, or to enter their reasons for not doing so.—And in all cases, where the Governments abroad require answers from the Directors, the latter must return such answer within three months after receiving the requisition for the same.

The choice of the Assistant Directors from among those persons who have been in the Direction, and consequently the men of the Company's choice, clearly shews the wish of Government, to leave as much in the Company's hands as could be trusted there with safety. Though

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the persons thus chosen are Proprietors, and though the choice of their successors is left to the Proprietary at large; it would have been very unwise in Government, to have entrusted to that body the nomination of the first sett of Assistant Directors. So high as party has run in the General Court, nothing would have been more likely, than that the Champions of Faction would have been fixed upon to form the list. The bad effects of such a measure need not be insisted upon: but it is to be hoped, a little time will remove the prejudices of the Proprietors; and that as vacancies fall, they will shew that Government are not deceived in the expectations formed of their future moderation and good sense.

The Bill directs proper information to be given to the Proprietors of the State of their concerns; and a state of the Company's affairs in India, together with a state of the trade, is to be transmitted by the Directors to the Lords of the Treasury, and by them laid before both Houses of Parliament, at the beginning of every session. By this means the real state of the Company must be universally known and understood; and in case the Proprietors should be at any time dissatisfied with the Administration

of their affairs, to whatever quarter they may think proper to address their complaints, they will there find judges well informed, and competent to decide.

The attention shewn to the Stock-holders, through their immediate representatives the Assistant Directors, is also worthy of remark. Though in all other cases, *three* of the seven Directors are a quorum, yet in the case of the removal of an Assistant Director, *five* of the seven Directors (" upon enquiry and after examination") must concur; "entering in their journals, their reasons respectively, for removing " or displacing such Assistant Directors, signed " with their respective names."

Nor must it be forgotten, in justice to the Bill, that in order to prevent the inconveniences, which in the present system have arisen, from Directors refusing to sign letters to India; from which it has happened, that improper speculations have been formed in India, upon the number and names of the persons who have signed them; it is wisely enacted, that all the correspondence of the Directors shall be signed by the Secretary, " by order of the Board."

It is wonderful, that men of understanding should attempt to raise objections, and pretend

alarm, at the clause which transfers the Company's property to the Board of seven Directors; when it expressly says, that the transfer is to be made to them "in trust for, and for the " benefit of the Proprietors, and to have, hold, " and possess the same, in like manner as they " were held by the Directors hereby discontinued." It would be injuring this plain and evident refutation of such objections, to offer a single comment upon it.

Having thus, in the first place examined, and I think refuted, the chief arguments which I have heard urged against the principle of the Bill; and afterwards having stated shortly what appears to me to be an obvious, as well as a full defence of the most material clauses contained in it; I will intrude no further on the patience of my Readers, than just to observe on two or three points which I could not notice before, consistently with the plan I had prescribed to myself in this investigation.

I have heard cavillers say much against the Bill, on an objection which perhaps would not have occurred to them, but for a part of the Honourable Secretary's speech, in which he modestly styles his Bill *an Experiment*.—What are the wisest plans of human ingenuity, prudence

dence and bravery, but Experiments?—Without going back to remote antiquity for instances, let me ask them what was the glorious association of Barons, who extorted Magna Charta from a tyrant? and the no less memorable endeavours, which succeeded in producing the Revolution, but Experiments? Experiments growing like the present, out of the magnitude and notoriety of public abuses! Experiments which wounded but to heal; and after a temporary convulsion, smoothed the way to happiness and prosperity!

Among those who join loudly in the cry against the Minister, who has brought forward the Bill, are some persons, of whom it may be fairly supposed, that although patronage has not been perhaps entirely beyond their view in commencing Proprietors, a justifiable attention to their pecuniary interests, by vesting their money in what they deemed the most profitable funds, has been their primary object.—The depreciation of the value of Stock, is by them imputed as a crime to the Minister; as if his *ipse dixit* were to be the barometer by which the price of Stock must inevitably rise or fall.

I can only appeal to the experience of every one who reads this, whether the people of

✓ England are in general *too apt* to believe a Minister on his bare assertion.—But allowing for a moment, that my countrymen had been so unusually complaisant, as to take Mr. Fox's word for all he said upon the first introduction of the business to Parliament ; this could only affect the value of the Stock till his assertions should be disproved. Those assertions were almost immediately contradicted by the Company, who published a Statement of their Affairs ; and soon afterwards a second edition, with explanations and elucidations. Thus is the matter in dispute brought to a fair issue ;

↗ where truth must prevail : and every man of common sense, who understands arithmetic, is competent to judge of it. The reasons on both sides being thus submitted to the public, and the investigation of their truth or falsehood, becoming so much the interest of monied men in general ; it is fair to conclude, that the public opinion determines the real value of Stock, by fixing its actual price.

Of what then do the Proprietors complain in the Minister's arithmetic ?—If the public will obstinately persist to believe him, in spite of printed statements, explanations, and elucidations, they must complain also of that public ; and

and exclaim in the language of Dr. Katterfelto,
 " That there are thousands of persons in this
 " metropolis who live in utter darkness ;" and,
 " That none are so blind as those who won't
 " see."

But if these Proprietors are so firmly convinced of the infallibility of their own calculations ; and that stock is lowered considerably beyond its real value ; why do they not take an obvious method of restoring it to its proper rate, by purchasing additional shares in the stock, and thus retrieve the Company's credit, convict the Minister of a false statement, and at the same time conclude a fair and profitable bargain for themselves ? — Alas ! there is not a stockholder to be found, possessed of so much love for the Company, so much regard for his own advantage, or so much confidence in his own calculations, as to risk a single thousand on the occasion.

It must be confessed, that hard indeed is the case of many individuals among the Proprietary (foreigners particularly) who have bought stock on a speculation of profit ; and who are guiltless of any share in the malversation attributed to the Company : but pitiable as their situation may be, it is unfortunately one of those instances

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in which it is impossible to prevent the innocent sharing the fate of the guilty.—They have too hastily engaged in trade, with partners for whose faults their property is answerable.

But if persons of this description, who at least must blame their own want of caution, are to be commiserated, how much more to be lamented is the fate of the widow and the orphan; who without the possibility of avoiding it, become the heirs to misfortune; and who see their heritage injured by those who should be its guardians! Against whom should their cry ascend? If this Bill be a stretch of power, are they not to complain of those Proprietors who connived at abuses (universally acknowledged), which have brought them within its reach? If, on the other hand, it be a measure of necessity, how aggravated must be their wrongs, from those, who after their mismanagement has produced that necessity, would still persevere in the same ruinous system, and shut their eyes to their own salvation!

We have heard the Bill compared to the Tower of Babel. I trust, that unlike the Babel of old, ours will be a monument of glory to its founders, which will indeed reach to the skies. It must however be acknowledged, that should

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its progress, like the former edifice of that name, have been stopt, it would have been from the same cause, the confusion of tongues : but the motley and contradictory arguments and interests of its enemies, prove, that the confusion of tongues prevailed among its opposers, instead of its builders.

I believe it was rather unexpected, that the Bible should be the repository whence the opponents of this Bill should procure their ammunition. But texts of Scripture have been bandied about so plentifully, that during this pious session of Parliament, we have been edified in St. Stephen's Chapel with sermons almost every afternoon.

Perhaps indeed nothing but the influence of Holy Writ, could have created brotherly love, and promoted unanimity among the discordant members of the anti-ministerial party. But why Shakespeare's Merchant of Venice should claim so much of their attention ; and why next to the Apostles and Prophets, Shylock should constantly be their greatest favourite, remains to be explained. Yet so it is : Opposition's *party-coloured* jacket (if I may be forgiven the pun) has been patched with shreds of Scripture and scraps of plays. At one moment, the

glowing

glowing canvas of opposition, has represented India imploring *immediate* and effectual succour from Great Britain. No emollients, no half measures, has been supposed to be her cry. The next moment she is represented, though dying, yet begging for delay in the hand which is to administer help. Now the Crown is presented to view, rising in meridian splendor, dazzling and confounding every eye that dares to look towards it: but the prompter whistles, the scene shifts, and in the twinkling of an eye you behold a picture of that Crown tarnished and dishonoured, trampled under the feet of the Minister.

It may naturally be expected, I should advert to the proposal which has been agitated for giving up the Company's charter: but I shall content myself with saying very little on the subject; as I am persuaded in my own mind, the measure will never be carried into execution.

We are told the opinions of council are to be taken upon it. However high the respect I entertain for the gentlemen of the robe, we know, that independant of that unfortunate disagreement which often happens between them on the same case, their opinions, even

when

when unanimous, are not always to be implicitly relied on; because so much depends on the manner of stating the case on which those opinions may be obtained: However the case in question may be stated, I am not competent to give a legal opinion on it; but it appears to me to be a matter, in the decision of which, common sense will go very far.

In the first place, were every individual Stockholder to join in the intention of surrendering the charter, the Company's debts must all be paid before that surrender could be accepted. How far that may be feasible, let the framers of the proposition consider.

Then, does it appear equitable or proper, that a majority of persons, engaged in one partnership in an exclusive trade, should deprive the others of their right to that exclusive trade, for which a valuable consideration has been paid, because they (the majority) happen to disapprove of the mode in which their affairs are to be managed?

The absent Proprietor says, " Your fears " seem to me to be without foundation: I am " content to submit to the proposed change of " system. If you do not approve it, sell your " stock: but do not deny me the right of sharing

" in the advantages of a chartered and exclusive
" trade, for which I have paid a valuable con-
" sideration."

But if it be unjust and improper, that a *majority* should thus give up the right of others ; what can be said for a *minority*, who pretend to dispose of the property of the majority ? The fact is notorious, that the persons who are now in England, and eligible to vote on the surrender of the Charter, form but a very small minority of the Proprietary at large, both in number and in the amount of their stock.

Let us for moment consider the conduct of this minority. Whilst they are complaining of being punished without a delinquency stated ; whilst they are rousing the City of London, and adjuring every corporate body in the kingdom to support them against a superior power in their rights under a Charter, to which the strongest necessity is opposed ; at the same moment are these men (an inferior power) proposing to deprive the majority of their fellow-proprietors of rights held under that very Charter ; thus punishing them *without any delinquency stated*, and for the infringement of which rights, *no necessity can be pretended*.

Would not a dispassionate spectator be inclined to say, "this idea of surrendering a Charter " after which these men are going mad, can only " have been engendered in the heat and tu- " mult of party contention ? The sense of imagi- " nary wrongs has rendered them blind to the " folly, the injustice, and the inconsistency of " their own conduct."

For my own part, I must repeat, that I conceive the measure to be too wild and romantic to bear the cooler investigation of the next General Court. At least, I sincerely wish that meeting may have temper enough to give it a thorough and impartial examination : and if so, I do not fear for the event.

I have ever been attached to the East-India Company ; and I think I am evincing my regard for them, by thus offering my sentiments in favour of the present Bill, and my warmest wishes for the success of a measure worthy of the vigorous and comprehensive mind of its Projector ; under the protection of which, I dare hope the East-India Company will resume her former lustre, and become, what she has been so justly and emphatically styled, *the brightest jewel in the British Crown.*

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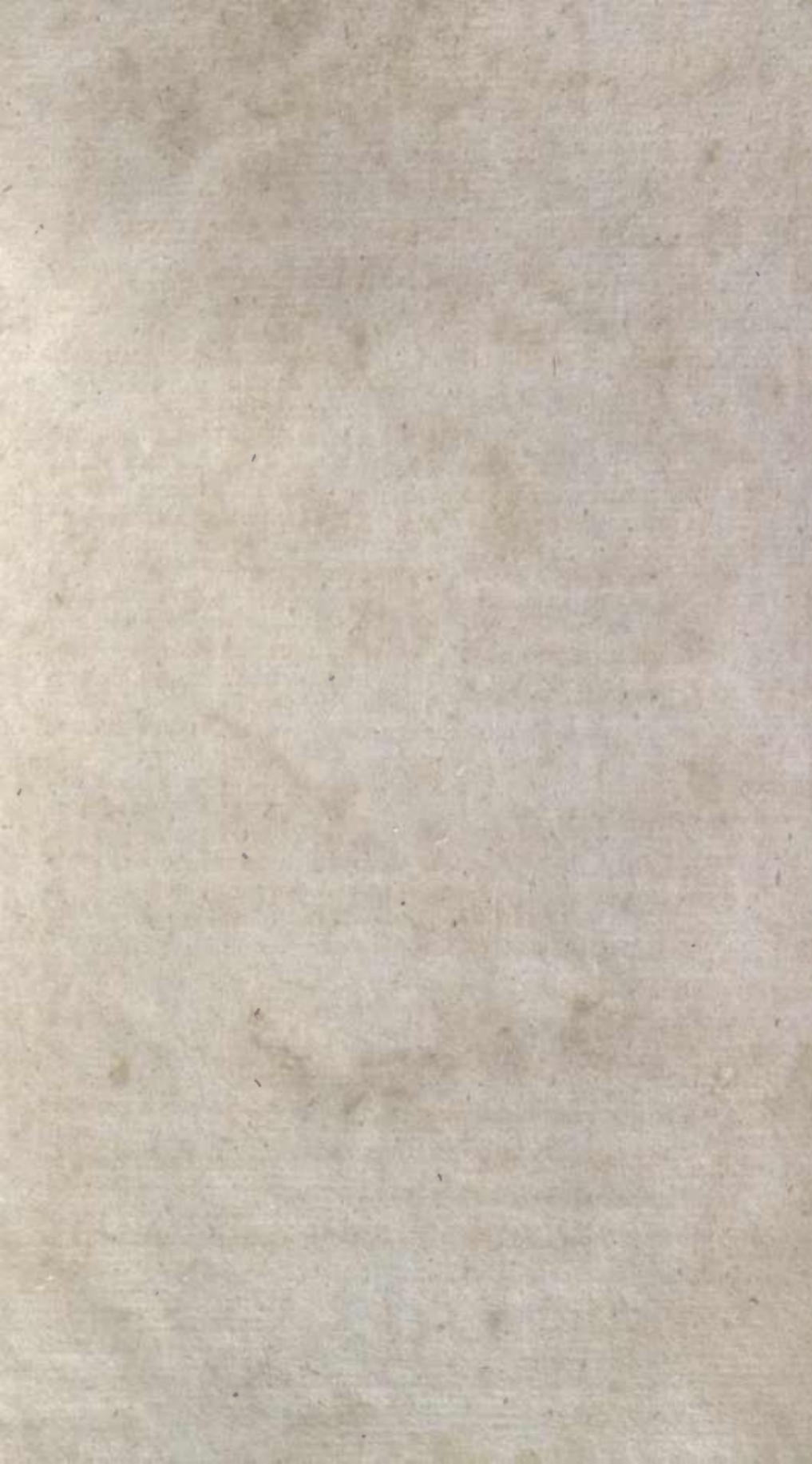
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